

United States District Court

for the
Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 17, 2015

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Justin J Martinez

Case Number: 0980 1:14CR02078-001

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable James P. Hutton, U.S. Magistrate Judge

Date of Original Sentence: March 2, 2015

Original Offense: Crime on Indian Reservation - Assault by Striking, Beating or Wounding, 18 U.S.C. § 113(a)(4) & 1153

Original Sentence: Time Served
TSR - 12 months Type of Supervision: Supervised Release

Asst. U.S. Attorney: Shawn N. Anderson Date Supervision Commenced: March 2, 2015

Defense Attorney: Alison Klare Guernsey Date Supervision Expires: March 1, 2016

PETITIONING THE COURT**To issue a warrant.**

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance1 **Mandatory Condition # 2:** The defendant shall not commit another Federal, state, or local crime.**Supporting Evidence:** Mr. Martinez was charged with disorderly conduct, Toppenish Municipal Court, cause number 5Z0766712.

According to the Toppenish Police Department narrative report, on July 25, 2015, Mr. Martinez and the 7/11 store clerk got into a verbal altercation which then lead onto the store parking lot. Witnesses observed the defendant calling out derogatory names to the store clerk. Mr. Martinez removed his shirt and stood in a fighting stance. The police arrived and arrested Mr. Martinez for disorderly conduct. The report also indicated Mr. Martinez appeared to be intoxicated. He was subsequently booked at the Toppenish City Jail.

Mr. Martinez posted bail on July 27, 2015. His next court hearing is set for August 26, 2015.

2 **Standard Condition # 2:** The defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer.

Prob12C

Re: Martinez, Justin J

August 14, 2015

Page 2

Supporting Evidence: Mr. Martinez failed to report within the first week for the month of August as directed by his probation officer as of August 14, 2015.

3 **Standard Condition # 6:** The defendant shall notify the probation officer at least ten days prior to any change in residence or employment.

Supporting Evidence: Mr. Martinez failed to notify his probation officer prior to quitting his job at Yakama Forest Products on August 4, 2015.

On August 12, 2015, this officer received information from the Human Resource personnel confirming Mr. Martinez self terminated his employment.

4 **Special Condition # 14:** You shall undergo a substance abuse evaluation and if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare. You shall contribute to the cost of treatment according to your ability to pay. You shall allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: Mr. Martinez has failed to attend drug and alcohol treatment at Merit Resource Services (Merit) on August 4 and 12, 2015.

According to Mr. Martinez' counselor at Merit, he was a "no call-no show" for those treatment sessions. She also advised that his file will be closed effective August 14, 2015.

5 **Special Condition # 16:** You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: Mr. Martinez failed to submit to random urinalysis testing at Merit on July 6, 14, and August 11, 2015.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 14, 2015

s/Jose Zepeda

Jose Zepeda
U.S. Probation Officer

Prob12C

Re: Martinez, Justin J

August 14, 2015

Page 3

THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- Other

James P. Hutton

Signature of Judicial Officer

8/17/2015

Date

